

EXHIBIT E

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 1 of 11 Trans ID: MCS201720244

COMPLAINT - SUMMONS			
COMPLAINT NUMBER 0290		S 2017 000025	
CENTRAL MUN CT BERGEN COUNTY 71 HUDSON STREET HACKENSACK NJ 07601-0000 201-336-6222 COUNTY OF: BERGEN		THE STATE OF NEW JERSEY VS. ANTONIO L GUTIERREZ ADDRESS: 1003 82ND STREET, #1 NORTH BERGEN NJ 07047-0000	
# of CHARGES 3	CO-DEFTS	POLICE CASE #	
COMPLAINANT NAME: DANNY LIM 10 MAIN STREET ROOM 215 HACKENSACK NJ 07601	DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: LIVESCAN PCN #: DL STATE: NJ		
<p>By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 09/29/2016 in CENTRAL MUN CT BERGEN COUNTY, BERGEN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID COMMIT THEFT BY PURPOSELY OBTAINING OR RETAINING PROPERTY OR MONEY WITH A VALUE OF \$75,000.00 OR MORE, BELONGING TO NEXTGEAR CAPITAL, UPON AGREEMENT OR SUBJECT TO A KNOWN LEGAL OBLIGATION TO MAKE SPECIFIED PAYMENT OR OTHER DISPOSITION AND DID DEAL WITH SAID PROPERTY OR MONEY AS HIS OWN AND DID FAIL TO MAKE THE REQUIRED PAYMENT OR DISPOSITION; A VIOLATION OF N.J.S.A. 2C:20-9; A 2ND DEGREE CRIME.</p> <p>WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID ENGAGE IN TRANSACTIONS INVOLVING PROPERTY, NAMELY MONIES (FUNDS) AND/OR UNITED STATES CURRENCY IN EXCESS OF \$500,000.00, KNOWN OR WHICH A REASONABLE PERSON WOULD BELIEVE TO BE DERIVED FROM CRIMINAL ACTIVITY, NAMELY THE THEFT BY FAILURE TO MAKE LAWFUL DISPOSITION OF MONIES TO NEXTGEAR CAPITAL AND DEFRAUDING SECURED</p> <p>In violation of:</p>			
Original Charge	1) 2C:20-9	2) 2C:21-25B(2)(A)	3) 2C:21-12
Amended Charge			
<p>CERTIFICATION:</p> <p>I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.</p> <p>Signed: <u>DANNY LIM</u> Date: <u>01/17/2017</u></p>			
The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.			
<p>SUMMONS:</p> <p>YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county _____ at the following address: _____</p> <p>of _____</p> <p>If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.</p> <p>Date of Arrest: _____ Appearance Date: <u>02/01/2017</u> Time: <u>09:30AM</u> Phone: _____</p> <p><u>DANNY LIM</u> <u>01/17/2017</u></p> <p>Signature of Person Issuing Summons Date</p>			
<input type="checkbox"/> Domestic Violence - Confidential <input type="checkbox"/> Special conditions of release: <input type="checkbox"/> No phone, mail or other personal contact w/victim <input type="checkbox"/> No possession firearms/weapons <input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Related Traffic Tickets or Other Complaints <input type="checkbox"/> Serious Personal Injury/Death Involved <p>ORIGINAL</p> <p>Page 1 of 7</p>	

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 2 of 11 Trans ID: MCS201720244

COMPLAINT - SUMMONS				
COMPLAINT NUMBER				STATE V. ANTONIO L GUTIERREZ
0290	S	2017	000025	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
<p>CRBIDITORS, WITH THE INTENT TO FACILITATE OR PROMOTE THE CRIMINAL ACTIVITY OR DID SO KNOWING THAT THE TRANSACTION WAS DESIGNED IN WHOLE OR IN PART TO CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE, OWNERSHIP OR CONTROL OF THE PROPERTY DERIVED FROM CRIMINAL ACTIVITY, A VIOLATION OF N.J.S.A. 2C:21-25B(2)A, A 1ST DEGREE CRIME.</p> <p>WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID DESTROY, REMOVE, CONCEAL, ENCUMBER, TRANSFER OR OTHERWISE DEAL WITH PROPERTY SUBJECT TO A SECURITY INTEREST, NAMELY NEXTGEAR CAPITAL, WITH PURPOSE TO HINDER ENFORCEMENT OF THAT INTEREST; A VIOLATION OF N.J.S.A. 2C:21-12, A 4TH DEGREE CRIME.</p>				
Original Charge				
Amended Charge				
				COMPLAINT - SUMMONS Page 1 of 7 NJCOR1 1/1/2017

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 3 of 11 Trans ID: MCS201720244

COMPLAINT - SUMMONS (Court Action)									
COMPLAINT NUMBER					STATE V.				
0290 S 2017 000025					ANTONIO L. GUTIERREZ				
FTA Bail Information		Date Bail Set:		Amount Bail Set: \$		by:		<input type="checkbox"/> Bail Recog. Attached	
Released on Bail	R.O.R.	Committed Date/pt	Committed w/o Bail	Place Committed:			Date Referred to County Prosecutor:		
Date of First Appearance: 02/01/2017		<input type="checkbox"/> Advised of Rights by				Defendant Desires Counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Prosecuting Attorney Information					Defense Counsel Information				
Name:					Name:				
State	County	Municipal	Other		None	Retained	Public Def	Assigned	Wanted
Original Charge		1) 2C:20-9		2) 2C:21-25B (2) (A)		3) 2C:21-12			
Amended Charge									
Waiver Indt/Jury									
Plea/Date of Plea		Plea:	Date:	Plea:	Date:	Plea:	Date:		
Adjudication (* see code)		Finding Code:	Date:	Finding Code:	Date:	Finding Code:	Date:		
Jail Term		Jail time credit	Susp. Imp.	Jail time credit	Susp. Imp.	Jail time credit	Susp. Imp.		
Probation Term		Susp. Imp.		Susp. Imp.		Susp. Imp.			
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs		Fines:	Costs:	Fines:	Costs:	Fines:	Costs:		
VCCB/SNSF		VCCB:	SNSF:	VCCB:	SNSF:	VCCB:	SNSF:		
DEDR/Lab Fee		DEDR:	LAB:	DEDR:	LAB:	DEDR:	LAB:		
CD Fee/Drug Ed Fnd		CD:	DAEP:	CD:	DAEP:	CD:	DAEP:		
DV Surch/Other Fees		DA:	Other:	DA:	Other:	DA:	Other:		
Restitution Beneficiary:									
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:						* Finding Codes 1 - Guilty 2 - Not Guilty 3 - Dismissed - Other 4 - Guilty but Manged 5 - Dismissed-Rule 6 - Dismissed Lack of Prosecution 7 - Dismissed - Pros Motion/Vio Req 8 - Conditional Discharge 9 - Dismissed-Prosecutor Discretion M - Dismissed-Mediation P - Dismissed-Plea Agreement S - Disposed at Superior W - Dismissed-Peace ID			
Related Traffic Tickets and Complaints:									
JUDGE'S SIGNATURE						ORIGINAL - Court Action			
DATE						Page 2 of 7 NJCDR1 1/1/2017			

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 4 of 11 Trans ID: MCS201720244

COMPLAINT - SUMMONS (Court Action)									
COMPLAINT NUMBER					STATE V.				
0290 S 2017 000025					ANTONIO L GUTIERREZ				
COURT CODE		PREFIX		YEAR		SEQUENCE NO.			
FTA Bail Information			Date Bail Set		Amount Bail Set \$		by		<input type="checkbox"/> Bail Recog. Attached
Released on Bail	R.O.R.	Committed Default	Committed into Bail	Place Committed			Date Referred to County Prosecutor:		
Date of First Appearance: 02/01/2017				<input type="checkbox"/> Advised of Rights by			Defendant Desires Counsel <input type="checkbox"/> Yes <input type="checkbox"/> No		
Prosecuting Attorney Information					Defense Counsel Information				
Name:					Name:				
State	County	Municipal	Other		None	Retained	Public Def	Assigned	Waived
Original Charge									
Amended Charge									
Waiver Indict/Jury									
Plea/Date of Plea		Plea:		Date:		Plea:		Date:	
Adjudication (see code)		Finding Code:		Date:		Finding Code:		Date:	
Jail Term		Jail time credit		Susp. Imp		Jail time credit		Susp. Imp	
Probation Term		Susp. Imp		Susp. Imp		Susp. Imp		Susp. Imp	
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs		Fines:		Costs:		Fines:		Costs:	
VCCB/SNSF		VCCB:		SNSF:		VCCB:		SNSF:	
DEDR/Lab Fee		DEDR:		LAB:		DEDR:		LAB:	
CD Fee/Drug Ed Fnd		CD:		DAEP:		CD:		DAEP:	
DV Surch/Other Fees		DV:		Other:		DV:		Other:	
Restitution									
Beneficiary:									
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:					* Finding Codes				
Related Traffic Tickets and Complaints:					1 - Guilty				
					2 - Not Guilty				
					3 - Dismissed - Other				
					4 - Guilty but Merged				
					5 - Dismissed-Rule				
					6 - Dismissed: Lack of Prosecution				
					7 - Dismissed - Pro Motion/Via Req				
					8 - Conditional Discharge				
					D - Dismissed- Prosecutor Discretion				
					M - Dismissed- Mediation				
					P - Dismissed-Plan Agreement				
					S - Disposed at Superior				
					W - Dismissed-False ID				
JUDGE'S SIGNATURE					DATE				
					COMPLAINT - SUMMONS (Court Action)				
					Page 2 of 7 NJ/CQRL1/1/2017				

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 6 of 11 Trans ID: MCS201720244

COMPLAINT SUMMONS (DEFENDANT'S COPY)			
COMPLAINT NUMBER		THE STATE OF NEW JERSEY	
0290	S	2017	000025
CENTRAL MUN CT BERGEN COUNTY 71 HUDSON STREET HACKENSACK NJ 07601-0000 201-336-6222 COUNTY OF BERGEN		ADDRESS: 1003 82ND STREET, #1 NORTH BERGEN NJ 07047-0000	
# of CHARGES	CO-DEFTS	POLICE CASE #	
3			
COMPLAINANT NAME: DANNY LIM		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: DRIVER'S LIC. # SOCIAL SECURITY #: SBI #: TELEPHONE #: LIVESCAN PCN #:	
<p>By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 09/29/2016 in CENTRAL MUN CT BERGEN COUNTY, BERGEN County, NJ did WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID COMMIT THEFT BY PURPOSELY OBTAINING OR RETAINING PROPERTY OR MONEY WITH A VALUE OF \$75,000.00 OR MORE, BELONGING TO NEXTGEAR CAPITAL, UPON AGREEMENT OR SUBJECT TO A KNOWN LEGAL OBLIGATION TO MAKE SPECIFIED PAYMENT OR OTHER DISPOSITION AND DID DEAL WITH SAID PROPERTY OR MONEY AS HIS OWN AND DID FAIL TO MAKE THE REQUIRED PAYMENT OR DISPOSITION; A VIOLATION OF N.J.S.A. 2C:20-9, A 2ND DEGREE CRIME.</p> <p>WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID ENGAGE IN TRANSACTIONS INVOLVING PROPERTY, NAMELY MONIES (FUNDS) AND/OR UNITED STATES CURRENCY IN EXCESS OF \$500,000.00, KNOWN OR WHICH A REASONABLE PERSON WOULD BELIEVE TO BE DERIVED FROM CRIMINAL ACTIVITY, NAMELY THE THEFT BY FAILURE TO MAKE LAWFUL DISPOSITION OF MONIES TO NEXTGEAR CAPITAL AND DEFRAUDING SECURED</p> <p>In violation of:</p>			
Original Charge	1) 2C:20-9	2) 2C:21-25B(2) (A)	3) 2C:21-12
Amended Charge			
<p>CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.</p> <p>Signed: DANNY LIM Date: 01/17/2017</p>			
<p>The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.</p> <p>SUMMONS: YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of at the following address:</p> <p>If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.</p> <p>Date of Arrest: Appearance Date: 02/01/2017 Time: 08:30AM Phone: DANNY LIM 01/17/2017 Signature of Person Issuing Summons Date</p>			
<input type="checkbox"/> Domestic Violence - Confidential		<input type="checkbox"/> Related Traffic Tickets or Other Complaints	
<input type="checkbox"/> Serious Personal Injury/ Death Involved			
<p>Special conditions of release:</p> <input type="checkbox"/> No phone, mail or other personal contact w/victim <input type="checkbox"/> No possession firearms/weapons <input type="checkbox"/> Other (specify):		<p>COMPLAINT SUMMONS (DEFENDANT'S COPY)</p> <p>Page 3 of 7 NJCOURT 1/1/2017</p>	

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 6 of 11 Trans ID: MCS201720244

COMPLAINT SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER

0290

S

2017

000025

STATE V.

ANTONIO L GUTIERREZ

CREDITORS, WITH THE INTENT TO FACILITATE OR PROMOTE THE CRIMINAL ACTIVITY OR DID SO KNOWING THAT THE TRANSACTION WAS DESIGNED IN WHOLE OR IN PART TO CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE, OWNERSHIP OR CONTROL OF THE PROPERTY DERIVED FROM CRIMINAL ACTIVITY, A VIOLATION OF N.J.S.A. 2C:21-25B(2)A, A 1ST DEGREE CRIME.

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID DESTROY, REMOVE, CONCEAL, ENCUMBER, TRANSFER OR OTHERWISE DEAL WITH PROPERTY SUBJECT TO A SECURITY INTEREST, NAMELY NEXTGEAR CAPITAL, WITH PURPOSE TO HINDER ENFORCEMENT OF THAT INTEREST, A VIOLATION OF N.J.S.A. 2C:21-12, A 4TH DEGREE CRIME.

Original Charge

Amended Charge

COMPLAINT SUMMONS (DEFENDANT'S COPY)

Page 3 of 7

NJEDR:01/12/17

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 7 of 11 Trans ID: MCS201720244

RETURN OF SERVICE INFORMATION			
COMPLAINT NUMBER			
0290	S	2017	000025
COUNTY CODE	PREFIX	YEAR	SEQUENCE
CENTRAL MUN CT BERGEN COUNTY 71 HUDSON STREET HACKENSACK NJ 07601-0000 201-336-6222 C UNTY BERGEN			
# of CHARGES 3	CO-DEFTS	POLICE CASE #:	
COMPLAINANT DANNY LIM NAME: 10 MAIN STREET ROOM 215 HACKENSACK NJ 07601		THE STATE OF NEW JERSEY VS. ANTONIO L GUTIERREZ ADDRESS: 1003 82ND STREET, #1 NORTH BERGEN NJ 07047-0000 DEPENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: DRIVER'S LIC. # SOCIAL SECURITY # TELEPHONE # LIVESCAN PCN # DL STATE: NJ	
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named did: defendant on or about 09/29/2016 in CENTRAL MUN CT BERGEN COUNTY, BERGEN County, NJ WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID COMMIT THEFT BY PURPOSELY OBTAINING OR RETAINING PROPERTY OR MONEY WITH A VALUE OF \$75,000.00 OR MORE, BELONGING TO NEXTGEAR CAPITAL, UPON AGREEMENT OR SUBJECT TO A KNOWN LEGAL OBLIGATION TO MAKE SPECIFIED PAYMENT OR OTHER DISPOSITION AND DID DEAL WITH SAID PROPERTY OR MONEY AS HIS OWN AND DID FAIL TO MAKE THE REQUIRED PAYMENT OR DISPOSITION; A VIOLATION OF N.J.S.A. 2C:20-9, A 2ND DEGREE CRIME. WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID ENGAGE IN TRANSACTIONS INVOLVING PROPERTY, NAMELY MONIES (FUNDS) AND/OR UNITED STATES CURRENCY IN EXCESS OF \$500,000.00, KNOWN OR WHICH A REASONABLE PERSON WOULD BELIEVE TO BE DERIVED FROM CRIMINAL ACTIVITY, NAMELY THE THEFT BY FAILURE TO MAKE LAWFUL DISPOSITION OF MONIES TO NEXTGEAR CAPITAL AND DEFRAUDING SECURED In violation of:			
Original Charge	1) 2C:20-9 2) 2C:21-25B(2)(A) 3) 2C:21-12		
Check	Certification by Police Regarding Complaint-Summons		
<input checked="" type="checkbox"/>	I certify that I served the complaint-summons by delivering a copy to the defendant personally.		
<input type="checkbox"/>	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ Name of family member over 14 years of age		
<input type="checkbox"/>	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ Defendant's last known address		
<input type="checkbox"/>	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ Name and title of authorized person		
<input type="checkbox"/>	Other manner of service: I certify that I served the complaint-summons in the following manner: _____		
<input type="checkbox"/>	I certify that I was unable to serve the complaint-summons.		
Signed: DANNY LIM BERGEN COUNTY PROSECUTORS OFF		Date of Action: 01/17/2017	
Name, Title and Department of Officer			
		RETURN OF SERVICE INFORMATION Page 4 of 7 NJICDR 1/1/2017	

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 8 of 11 Trans ID: MCS201720244

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				STATE V.
0290	S	2017	000025	
COURT CODE	PREF	YEAR	SEQUENCE NO.	ANTONIO L GUTIERREZ

CREDITORS, WITH THE INTENT TO FACILITATE OR PROMOTE THE CRIMINAL ACTIVITY OR DID SO KNOWING THAT THE TRANSACTION WAS DESIGNED IN WHOLE OR IN PART TO CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE, OWNERSHIP OR CONTROL OF THE PROPERTY DERIVED FROM CRIMINAL ACTIVITY, A VIOLATION OF N.J.S.A. 2C:21-25B(2)A, A 1ST DEGREE CRIME.

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT, DURING AND BETWEEN, SEPTEMBER 1, 2016 AND OCTOBER 31, 2016, ANTONIO GUTIERREZ DID DESTROY, REMOVE, CONCEAL, ENCUMBER, TRANSFER OR OTHERWISE DEAL WITH PROPERTY SUBJECT TO A SECURITY INTEREST, NAMELY NEXTGEAR CAPITAL, WITH PURPOSE TO HINDER ENFORCEMENT OF THAT INTEREST, A VIOLATION OF N.J.S.A. 2C:21-12, A 4TH DEGREE CRIME.

Original Charge

Amended Charge

RETURN OF SERVICE INFORMATION

Page 4 of 7

NJ/CDR1 1/1/2017

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 9 of 11 Trans ID: MCS201720244

Affidavit of Probable Cause

COMPLAINT NUMBER			THE STATE OF NEW JERSEY		
0290	S	2017	VS.		
000025			ANTONIO L GUTIERREZ		
CENTRAL MUN CT BERGEN COUNTY			ADDRESS: 1003 82ND STREET, #1		
71 HUDSON STREET			NORTH BERGEN NJ 07047-0000		
HACKENSACK NJ 07601-0000					
201-336-6222 COUNTY OF: BERGEN					
# of CHARGES	CO-DEFTS	POLICE CASE #	DEPENDANT INFORMATION		
3			SEX: M EYE COLOR: BROWN DOB: 02/04/1977		
COMPLAINANT DANNY LIN			DRIVER'S LIC. # 094930547302772 DL STATE: NJ		
NAME: 10 MAIN STREET			SOCIAL SECURITY # 136-88-3447 SBI #:		
ROOM 215			TELEPHONE #:		
HACKENSACK NJ 07601			LIVSCAN PCN #:		

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

On or about, during and between, September 1, 2016 and October 31, 2016, Antonio Gutierrez of Luxury Haus did commit money laundering, theft, and defrauded secured creditors by borrowing money from NextGear Capital, a dealer floor plan lender, to purchase vehicles which he sold and then did not remit the proceeds as contracted. Mr. Gutierrez sold the vehicles and took the proceeds in excess of \$1,000,000.00 and deposited them into various bank accounts to hide the money. Mr. Gutierrez transferred \$1,000,000.00 (which he intended to utilize as his own) to Carmine Demaio, the owner of Lexus of Englewood, to further hide the money that was stolen from NextGear Capital.

Affidavit of Probable Cause

Page 5 of 7

1/12/2017

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 10 of 11 Trans ID: MCS201720244

Affidavit of Probable Cause

COMPLAINT NUMBER			
0290	S	2017	000025
COURT CODE	PLAINT	YEAR	SEQUENCE

THE STATE OF NEW JERSEY

VS.

ANTONIO L. GUTIERREZ

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

During my investigation, I discovered the specific sales of vehicles belonging to NextGear Capital and large amounts of money related to the sales being transferred. Several suspicious deposits were then made to accounts not owned by Mr. Gutierrez. As a result of interviews of account holders, Carmine Demaio and Paul Gutierrez, it was learned that Mr. Gutierrez intended to hide the money and use it as his own.

3. If victim was injured, provide the extent of the injury:

N/A

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DANNY LIM LAW ENFORCEMENT OFFICERDate: 01/17/2017

Affidavit of Probable Cause

Page 6 of 7

1/1/2017

S-2017-000025-0290 01/12/2017 2:07:41 PM Pg 11 of 11 Trans ID: MCS201720244

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER		THE STATE OF NEW JERSEY	
0290	S	2017	000025
COURT COUNTY: BERGEN		VS.	
CENTRAL MUN CT BERGEN COUNTY		ANTONIO L GUTIERREZ	
71 HUDSON STREET		ADDRESS: 1003 82ND STREET, #1	
HACKENSACK NJ 07601-0000		NORTH BERGEN NJ 07047-0000	
201-336-6222 COUNTY OF: BERGEN			
# of CHARGES	CO-DEFTS	POLICE CASE #:	
3			
COMPLAINANT DANNY LIM		DEFENDANT INFORMATION	
NAME: 10 MAIN STREET		SEX: M EYE COLOR: BROWN DOB: [REDACTED]	
ROOM 215		DRIVER'S LIC. #: [REDACTED] DL STATE: NJ	
HACKENSACK NJ 07601		SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED]	
		TELEPHONE #: [REDACTED]	
		LIVESTAR PCN #: [REDACTED]	

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is designed to be appended to, and is expressly incorporated by reference in, the Affidavit of Probable Cause. It is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

- The charge was based on the observations/statements made by an eyewitness(es). The witness statement(s) were recorded via (Stationhouse interview room camera).

- The defendant was known to the victim as Other/Explain Client.

- The defendant attempted to conceal, discard or destroy evidence, Summarize Conceal proceeds of theft.

- The case involved theft and/or stolen property. The property which was stolen and/or possessed is money.

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DANNY LIM LAW ENFORCEMENT OFFICER

Date: 01/17/2017

Preliminary Law Enforcement Incident Report

Page 7 of 7

1/12/2017